



PETITION TO AMEND THE  
ZONING MAP OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZB-116m

Date Filed: 12/11/17

1. **Zoning Request**

I (we), the undersigned, hereby petition the Zoning Board of Howard County to amend the Zoning Map of Howard County as follows: To change the current zoning of the Subject Property from the R-12 (Residential: Single), CAC (Corridor Activity Center), and B-1 (Business: Local) zoning districts to the CEF-R (Community Enhancement Floating - Residential) zoning district.

2. **Petitioner's Name** Elm Street Development

Address 5074 Dorsey Hall Road, Suite 205, Ellicott City, Maryland 21042

Phone No. (W) 410-720-3021 (H) \_\_\_\_\_

Email Address jvankirk@elmstreetdev.com

3. **Owner's Name** See attached Owner Information Supplement

Address \_\_\_\_\_

Phone No. (W) \_\_\_\_\_ (H) \_\_\_\_\_

4. **Counsel for Petitioner** William E. Erskine, Offit Kurman, PA

Counsel's Address 8171 Maple Lawn Boulevard, Suite 200, Maple Lawn, Maryland 20759

Counsel's Phone No. 301-575-0363

Email Address werskine@offitkurman.com

5. **Property Identification**

Address of Subject Property 6767, 6725, and 6785 Washington Boulevard, Elkridge, Maryland 21075

Location of Subject Property Southeast side of Washington Boulevard, approximately 500' south of Loudon Avenue

Election District 01 Tax Map # 38 Block # - Parcel # 279, 352, 847

Lot # - Total Acreage of Property 34.9 +/- acres

6. **Petitioner's Interest in Subject Property** Contract Purchaser  
(e.g. owner/joint owner/contract purchaser)

7. **Reason for the requested amendment to the Zoning Map** \_\_\_\_\_

See attached Narrative Supplement.

8. **Statement as to the present use or uses of the subject property** A variety of automotive storage, automotive salvage, contractor storage yards, and other related businesses are currently operated upon the lands of the Subject Property.

9. Statement as to whether or not there is an allegation of mistake in the current zoning, and, if so, the nature of the mistake and the facts to support the allegation There is no allegation of mistake. See the response to Question 14 in the attached Narrative Supplement, which specifically addresses the Criteria set forth in Section 121.0 of the Howard County Zoning Regulations.
10. Statement as to whether or not there is an allegation of a substantial change in the character of the neighborhood subsequent to the most recent comprehensive rezoning. If change(s) is alleged, the nature of the change(s) and the facts to support the allegation and a statement as to why the petitioner concludes that the reclassification sought is the proper one There is no allegation of substantial change in the character of the neighborhood. See the response to Question 14 in the attached Narrative Supplement, which specifically addresses the Criteria set forth in Section 121.0 of the Howard County Zoning Regulations.
11. Statement as to whether or not the petitioner can use the subject property in its present zoning classification and, if not, the reasons why See the attached Narrative Supplement.
12. Statement as to whether or not such amendment will be in harmony with the General Plan for Howard County and whether such amendment will adversely affect the surrounding and vicinal properties  
The amendment proposed hereunder shall be in harmony with the General Plan and will not adversely affect surrounding and vicinal properties. See the response to Question 14 in the attached Narrative Supplement.
13. State whether or not the subject property is currently served by public water, sewerage, and public roads  
The property is currently served by public water, sewerage, and public roads.
14. Any other factors which the petitioner desires the Board to consider including copies of any written reports intended to be introduced at the hearing and a written summary of verbal evidence of any expert which will be proffered at the hearing See the attached Narrative Supplement.

15. **PETITION AND DRAWINGS (PLEASE TAKE NOTE)**

Original Petition plus **24 copies** (if on a county road), with equal amount of required drawings, folded to approximately 8 ½" x 14" (**27 copies if a state road is involved**). Plats of the subject property, plus other such scale drawings as may be required by the Department of Planning and Zoning must show the following:

- ☒ a. Courses and distances of the boundary lines of the subject property and the acreage
- ☒ b. North arrow
- ☒ c. Existing zoning of subject property and adjoining properties
- ☒ d. Location, boundary lines, and area of any proposed reclassification of zoning
- ☒ e. Existing structures, uses, natural features and landscaping on the subject and adjacent properties which may be relevant to the petition
- ☒ f. Location of subject property in relation, by approximate dimension, to the nearest intersection of two public roads
- ☒ g. Ownership of affected roads
- ☒ h. Election district in which subject property is located
- ☒ i. Tax map/zoning map number on which subject property is shown
- ☒ j. Name of local community or neighborhood in which subject property is located or is near
- ☒ k. Name and mailing address of property owner
- ☒ l. Name and mailing address of the petitioner
- ☒ m. Name and mailing address of petitioner's attorney, if any
- ☒ n. Any other information as may be necessary for full and proper consideration of the petition

- 16. If the petition includes site plan documentation, the petition shall include all information as required by Section 100.0.G.2 of the Zoning Regulations.
- 17. The Petitioner agrees to furnish such additional plats, plans or other data as may be required by the Zoning Board and/or the Department of Planning and Zoning.
- 18. The Petitioner further agrees to install and maintain Zoning Hearing Poster(s) as required in the Affidavit of Posting provided by the Department of Planning and Zoning. The Poster(s) must be posted for at least 30 days immediately prior to the Zoning Board hearing and remain posted until 15 days after the final hearing.
- 19. The Petitioner agrees to insert and pay for the newspaper advertising costs as required by the Zoning Board Rules of Procedure. Said advertisement shall be in a format deemed adequate by the Chairperson of the Zoning Board and must be published once in at least two newspapers of general circulation in Howard County at least 30 days prior to the Zoning Board hearing. The Petitioner also agrees to submit certification of the text and publication dates of the approved advertisement prior to the Zoning Board hearing to the Administrative Assistant to the Zoning Board.
- 20. The Petitioner certifies that no petition for the same or substantially the same proposal as herein contained for the subject property has been denied in whole or in part by the Zoning Board or has been withdrawn after the taking of evidence at a public hearing of the Zoning Board within twenty-four (24) months of the Zoning Board hearing unless so stated herein

21. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.

William E. Enshine 12-11-2017 [Signature] 12-8-17  
Attorney's Signature Date Petitioner's/Owner's Signature Date

\_\_\_\_\_  
Petitioner's/Owner's Signature Date Petitioner's/Owner's Signature Date

22. **FEES**

The Petitioner agrees to pay all fees as follows:

- a. Filing fee including first hearing..... \$695.00\*  
Each additional hearing night..... \$510.00\*
- b. Public Notice Poster(s): ..... \$25.00

\* The Zoning Board may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the Zoning Board that the payment of the fee would work an extraordinary hardship on the petitioner. The Zoning Board may refund part of the filing fee for withdrawn petitions. The Zoning Board shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

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For DPZ office use only:

Hearing Fee \$ \_\_\_\_\_  
Poster Fee \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)



### **INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD**

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

ZONING MATTER: ZB 1116M - Elm Street Development  
6767, 6725, and 6785 Washington Boulevard

**AFFIDAVIT AS TO CONTRIBUTION**

**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

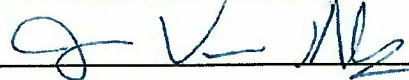
I, Jason Van Kirk, the applicant in the above zoning matter  
✓, HAVE \_\_\_\_\_ HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Jason Van Kirk

Signature: 

Date: 12-8-17

ZONING MATTER: ZB 1116M - Elm Street Development  
6767, 6725, and 6785 Washington Boulevard

**AFFIDAVIT AS TO CONTRIBUTION**

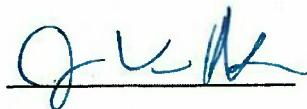
**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

I, Russell Dickens, the applicant in the above zoning matter  
✓, HAVE \_\_\_\_\_ HAVE NOT


made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

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I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.



Printed Name: Russell Dickens

Signature: 

Date: 12/8/17

ZONING MATTER: ZB 1116M - Elm Street Development  
6767, 6725, and 6785 Washington Boulevard

### DISCLOSURE OF CONTRIBUTION

As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before the application was filed or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR  
PARTY OF RECORD: Jason Van Kirk

#### RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Committee to Elect Allan Kittleman</u>	<u>10-6-17</u>	<u>\$1,200.00</u>
<u>The Calvin Ball Team</u>	<u>5-6-17</u>	<u>\$500.00</u>
<u>The Calvin Ball Team</u>	<u>1-6-17</u>	<u>\$500.00</u>

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Jason Van Kirk

Signature: [Signature]

Date: 12-8-17

The Committee to Elect Allan Kittleman	9-28-16	\$1,200.00
The Committee to Elect Allan Kittleman	9-18-15	\$1,200.00
The Committee to Elect Allan Kittleman	12-7-14	\$800.00
" " " " " "	2-19-16	\$250.00
" " " " " "	10-1-16	\$250.00



ZONING MATTER: ZB 1116M - Elm Street Development  
6767, 6725, and 6785 Washington Boulevard

### DISCLOSURE OF CONTRIBUTION

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State Government Article, Sections 15-848-15-850

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APPLICANT OR  
PARTY OF RECORD:

ELM STREET DEVELOPMENT

#### RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Comm. to Elect. Allan Kittleman.</u>	<u>3/17/17</u>	<u>500.</u>
<u>" "</u>	<u>10/6/17</u>	<u>1536.</u>
<u>" "</u>	<u>2/19/16</u>	<u>313.</u>

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Russell Dickens

Signature: [Signature]

Date: 12/8/17.

<u>Comm to Elect. Allan Kittleman.</u>	<u>10/1/16</u>	<u>313.</u>
<u>" " " "</u>	<u>9/8/15</u>	<u>1536.</u>
<u>" " " "</u>	<u>10/15/15</u>	<u>100.</u>
<u>" " " "</u>	<u>12/8/14</u>	<u>1024.</u>
<u>" " " "</u>	<u>9/20/14</u>	<u>1536.</u>

ZONING MATTER: ZB 1116M - Elm Street Development

6767, 6725, and 6785 Washington Boulevard

**AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL**

**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

I, Jason Van Kirk, the applicant in the above zoning matter

\_\_\_\_\_, AM

☒

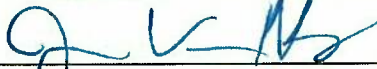
AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Jason Van Kirk

Signature: 

Date: 12-8-17

**The Presubmission Meeting Electronic Application is on our website at:**  
**<http://www.howardcountymd.gov/displayprimary.aspx?id=6442461859> then select the Pre-submission**  
**Community Meeting Application for Conditional Uses and Zoning Map Amendments**

Once you complete this form on the website, hit OK and it will be forwarded to us. When the sign is ready, an email will be sent to you to pick it up and make the payment of \$20.00. If you do not have access to the internet, you may use this form.

### **Pre-submission Community Meeting Procedures**

#### **Sec. 16.205. Procedure.**

- (a) Any person owning an interest in the property affected may petition the Zoning Board for approval of a development plan, and a person owning an interest in the property affected, the Director of the Department of Planning and Zoning or members of the Zoning Board may petition the Zoning Board for piecemeal map amendment. The form and number of copies of the petition shall be as prescribed by law or by the Zoning Board's rules of procedure.
- (b) Prior to the initial submittal of a petition, the petitioner shall hold a pre-submission community meeting that provides information to the community regarding the petition and allows community residents to ask questions and discuss any issues. The meeting must be held in accordance with the following procedures:
  - (1) At least three weeks in advance, the petitioner shall send written notice regarding the date, time and location of the meeting to:
    - a. All adjoining<sup>1</sup> property owners as identified in the records of the Maryland Department of Assessments and Taxation, via mail;
    - b. The Department of Planning and Zoning, which will place this meeting notice on the department's web site;
    - c. The County Council; and
    - d. Any community association that represents the area of the subject property or any adjacent properties.The property involved shall be posted with the time, date and place of the initial meeting. The sign shall include the address of Department of Planning and Zoning's website. The property shall be posted for at least three weeks immediately before the hearing. The poster shall be double-sided. At least 48 inches by 48 inches in size and the typeface shall be at least two inches in height. The Department of Planning and Zoning shall determine the number of posters required and their location and the petitioner shall bear the expense of posting. The posters shall be erected perpendicular to the road which serves as the mailing address of the subject property. The Department of Planning and Zoning shall supply the posters. The petitioner shall properly erect and maintain the posters.
  - (2) The meeting shall be:
    - a. Held at a location within the community, preferably in a public or institutional building located within approximately five miles of the subject property; and
    - b. Scheduled to start between 6 p.m. and 8 p.m. on a weekday evening, or to be held between 9 a.m. and 5 p.m. on a Saturday, excluding county holidays and other holidays determined in subsection (d) of this section.
  - (3) A certification of notice and posting and a summary of the issues expressed by residents at the pre-submission community meeting shall be written and transmitted by the petitioner to the Department of Planning and Zoning when the initial petition is filed for county review.
  - (4) If the petitioner does not submit the petition within 1 year of the pre-submission community meeting, another pre-submission community meeting and notification in accordance with subsection (b) of this section shall be required.

<sup>1</sup> Adjoining property is land which is touching or would be touching in the absence of an intervening utility or road right-of-way, other than a principal arterial highway.

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**IMPORTANT:**

It is also advised that notice be sent to any community association registered with the County to be notified about projects in a certain geographic area; and the County Council. Please use the following web address to access the community notification list [http://data.howardcountymd.gov/HOA\\_Register/GCommunityView\\_new.asp](http://data.howardcountymd.gov/HOA_Register/GCommunityView_new.asp). You will be prompted to enter the three-digit sign code assigned to your development. Once your sign code has been entered, you will be provided with a list of community contacts that have requested information about your development.



**PETITION TO AMEND THE  
ZONING MAP OF HOWARD COUNTY  
(ZB 1117M) ELM STREET DEVELOPMENT**

**SUPPLEMENT**

**Section 3 (contd.)**

**Map 0038/Parcel 0279**

Owner's Name: James Edward Roberts and Tricia B. Roberts  
Address: 6767 Washington Boulevard, Elkridge, Maryland 21075  
Phone No.: 410-598-8945

**Map 0038/Parcel 0352**

Owner's Name: James Edward Roberts and John Baran  
Address: 6725 Washington Boulevard, Elkridge, Maryland 21075  
Phone No.: 410-598-8945/443-463-8929

**Map 0038/Parcel 0847**

Owner's Name: James Edward Roberts  
Address: 6785 Washington Boulevard, Elkridge, Maryland 21075  
Phone No.: 410-598-8945

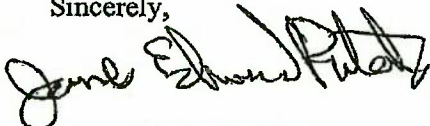
June 16, 2017

Re: Owner's Authorization to Make Submissions for the Roberts development.

To Whom It May Concern:

Please be advised that Elm Street Development is the contract purchaser of the real property located in Howard County in Elkridge, MD (Map 38, Parcel 279, 352, and 847). As part of the Agreement of Sale, Elm Street Development has been granted the right to submit and obtain approval of any and all applications for zoning, residential subdivision plans, variances, conditional uses, alternative compliances, as well as any other applications for permits, waiver or variances to any federal, state and local jurisdictions or other organizations that Elm Street Development deems appropriate in order to achieve plan approvals.

Sincerely,

A handwritten signature in dark ink, appearing to read "James Edward Roberts", written over a horizontal line.

James Edward Roberts

ZONING MATTER: ZB 1116M - Elm Street Development

6767, 6725, and 6785 Washington Boulevard

### AFFIDAVIT AS TO CONTRIBUTION

As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850

I, David Flanagan, the applicant in the above zoning matter

✓

HAVE

HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name:

David D. Flanagan

Signature:

[Signature]

Date:

12-11-2017

ZONING MATTER: ZB 1116M - Elm Street Development  
6767, 6725, and 6785 Washington Boulevard

### DISCLOSURE OF CONTRIBUTION

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Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR  
PARTY OF RECORD:

David D. Flanagan

#### RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>\$ Amount</u>
<u>Committee to elect Alan Kittleman</u>	<u>12/4/14</u>	<u>\$ 2,176</u>
<u>"</u>	<u>9/17/15</u>	<u>3,264</u>
<u>"</u>	<u>9/19/16</u>	<u>2,736</u>

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name:

David D. Flanagan

Signature:

[Signature]

Date:

12-11-2017



ZONING MATTER: ZB 1116M - Elm Street Development  
6767, 6725, and 6785 Washington Boulevard

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APPLICANT OR  
PARTY OF RECORD: Carol Ann Flanagan

#### RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>\$ Amount</u>
<u>Committee to Elect Alan Kilkenny</u>	<u>2/18/16</u>	<u>\$ 687</u>
<u>"</u>	<u>9/19/16</u>	<u>528</u>
<u>"</u>	<u>10/4/17</u>	<u>3,264</u>

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Carol Ann Flanagan

Signature: CA Flanagan

Date: 12-11-2017

**Narrative in Support of**  
**PETITION TO AMEND THE ZONING MAP OF HOWARD COUNTY**  
**ZB-1116M (6767, 6725, and 6785 Washington Boulevard)**

**Introduction**

Elm Street Development, the "Petitioner" under the subject Petition to Amend the Zoning Map of Howard County (the "Petition"), hereby proposes to rezone the subject properties (collectively, the "Property") to the CEF-R District to permit the development of a residential community consisting of 127 single-family attached units and 281 multi-family units, and certain community amenities (collectively, the "Development"), all as described in more detail below.

The parcels comprising the subject Property (Map 38, Parcels 279, 352, and 847) are zoned R-12 (Residential: Single), B-1 (Business: Local), and CAC (Corridor Activity Center) and are currently improved by auto repair and salvage businesses, a contractor's storage yard, a single family dwelling, and extensive outdoor storage areas. The Property has frontage and direct access onto US Route 1 and is surrounded by a variety of residential uses and mixed uses (CAC) and one non-conforming auto related use to the southwest.

Given the developed roads, public infrastructure, and location of the Property, these parcels do not reach their potential through this hodge-podge of zoning districts and limited industrial, commercial, and residential uses. Furthermore, the current uses upon the Property differ significantly from the modern developed residential uses located along 85% of the perimeter of the Property and have directly contributed to ongoing environmental contamination that needs to be stopped and remediated. The Property has significant environmental contamination that requires the site to be enrolled in Maryland Department of Environment's Voluntary Cleanup Program. No rezoning efforts by the Zoning Board in the past have resulted in remediation of the Property. The proposed CEF-R zone will finally allow the contamination to be remediated with proper oversight, will allow the development of these subject parcels in a manner that is harmonious with the surrounding area, will result in a comprehensive development plan that will create beneficial and symbiotic land uses, provide high quality residential uses for multiple income levels, and will provide valuable MIHU inventory within the County at a rate higher than required by the existing Zoning Regulations. The removal of the nonconforming uses from the Property will significantly improve the aesthetics of the greater community. As described below, the proposed Development meets and/or exceeds the requirements of the CEF-R District, specifically:

**Responses to Petition Questions**

**7. Reason for the requested amendment to the Zoning Map:**

The Community Enhancement Floating (CEF) District is established to encourage the creative development and redevelopment of commercial and residential properties through

flexible zoning so that the proposed development complements and enhances the surrounding uses and creates a more coherent, connected development.

The current underlying zoning of the parcels comprising the Property is a patchwork of B-1, CAC, and R-12, which for all practical purposes restricts any coherent development upon the site. A consistent use of auto salvage and repair businesses across the parcels of the Property has also inhibited the development of any one parcel under its existing zoning. These uses have resulted in significant environmental conditions that have not been stopped or remediated with the current or former zones applied to the Property. Redevelopment of the entire site is needed in order to remove all of the existing uses that would otherwise prevent the redevelopment of any one singular parcel. A request during the last Comprehensive Zoning process to unify the zoning of the Property was denied with staff recommending that the parcels should consider a petition to the Zoning Board for CEF Zoning when the appropriate assemblage could be compiled. Consequently, the Property was left with the current and unworkable B-1, CAC, and R-12 zoning configuration and continuation of the uses contaminating the Property. The existing zoning districts imposed upon the Property are not compatible enough with one another or surrounding uses to permit a comprehensive redevelopment project. The existing zoning classifications imposed on the subject properties also pose insurmountable hurdles to redevelopment given the arbitrary zoning lines across the land areas. The proposed Development will finally address the ongoing environmental problems and integrate the grading and development of the infrastructure in order to emphasize the beautiful, natural environmental features on the Property. Developed separately, it would be difficult (if not impossible) to coordinate the necessary grading of the parcels to achieve a coherent infrastructure throughout the site. For example, the narrowness, slope, and stream buffer upon the R-12 parcel of the site significantly restricts its development as R-12 without integration with the other parcels. Additionally, no single parcel would develop with environmental contamination across multiple parcels and without cleanup of the adjoining parcels.

**11. Statement as to whether or not the petitioner can use the subject property in its present zoning classification and, if not, the reasons why:**

As stated above, the existing zoning of the parcels comprising the Property is a patchwork of B-1, CAC, and R-12 which for all practical purposes restricts any coherent development in its present state. For the reasons stated above and the substantial environmental contamination throughout the Property (as set forth in greater detail below), the Petitioner's use of the Property under its present zoning classification is extremely limited and any comprehensive and unified development of the site is impossible. As time has proven, the current and past zoning of the Property has only resulted in continuation of damaging uses that do not fit with the surrounding community.



**14. Any other factors which the petitioner desires the Board to consider:**

The Petition and accompanying Development Concept Plan satisfy all criteria for approval provided in Section 121.0 of the Zoning Regulations. Specifically:

**Section 121.0.J.5: The application shall be submitted to the Department of Planning and Zoning and shall initially include:**

*a. A Development Concept Plan which includes sheets depicting all existing natural and current development features of the Community Enhancement Floating District land area, and also depicting and/or listing, as may be appropriate, the following:*

As stated above, the Property is currently improved by auto salvage and repair businesses, a contractor's storage yard, a single family dwelling, and extensive outdoor storage areas. These features, as well as existing natural features of the Property, are shown on the Development Concept Plan, Existing Condition Plan Sheet.

**(1) A boundary survey.**

A boundary survey is provided on multiple Development Concept Plan Sheets, including the Existing Condition Plan Sheet.

**(2) Permitted uses.**

The proposed permitted uses are:

- i. One single-family detached dwelling unit per lot.
- ii. One zero lot line dwelling unit per lot.
- iii. Single-family attached dwelling units.
- iv. Apartment Units;
- v. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests.
- vi. Public amenities and open space.
- vii. Single story garage structures
- viii. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.

**(3) Accessory uses**

The proposed permitted uses accessory are:



- i. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than six mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed six.
- ii. Home occupations, subject to the requirements of Section 128.0.C.
- iii. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed six.
- iv. Parking:
  - a. Off-street parking of no more than one commercial vehicle. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted.
- vi. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.
- vii. Accessory Solar Collectors.
- viii. Disc Antennae

**(4) *Buildings and other structures.***

The Development Concept Plan, CEF Concept Plan Sheet provides the location of proposed on-site structures. As indicated on the CEF Concept Plan, the Petitioner proposes to locate residential development with multifamily uses adjacent to off-site multifamily uses and single-family attached uses adjacent to other off-site single-family uses. The Petitioner is proposing a total of 408 housing units with a mix of 127 single-family attached and 281 multifamily units. The single-family attached units shall be three stories in height and vary between 16, 20, and 22 feet in width. The 16-foot wide single-family attached units are rear loaded, with one car garages and one driveway parking space per unit. The 22-foot-wide single-family attached units shall be front-loaded, the 20-foot-wide single-family attached units shall be rear-loaded, and each such unit type shall provide two car garages and two driveway parking spaces per unit. The 281 multifamily units are spread through 14 buildings along the southern half of the Property; ranging from 14 to 54 apartment units each, and consisting of one, two, and three-bedroom units.

The Development Concept Plan also includes architectural details of the proposed single-family attached units, multi-family buildings, and clubhouse facilities. These buildings will reflect a suitable architectural design and will exhibit contextual sensitivity to the existing homes and uses in the vicinity, as described in more detail below.

**(5) *Parking areas and number of parking spaces.***

As is shown on the Development Concept Plan, CEF Concept Plan Sheet (Parking Tabulation Inset), the number of parking spaces provided by the Petitioner's proposed development will satisfy or exceed the requirements of the Zoning Regulations. For the Multifamily uses upon the Property, the Petitioner is planning 1.75 spaces per multi-family unit (492 parking spaces – 281 units @ 1.75 spaces/unit), all of which will be provided on-site and includes parking for the clubhouse. The single-family attached dwelling units will provide a minimum of 2.0 spaces per unit on lot and 0.5 spaces per unit off lot for visitors. Through a mixture of one and two car garages and driveways, the total on lot parking for the townhomes is 416 with 64 additional guests spaces provided in and around the townhomes (162 spaces above the required parking).

**(6) *Points and widths of vehicular ingress and egress.***

As shown on the Development Concept Plan, Existing Condition Plan Sheet, vehicular access to the Property is currently gained via a single access point on US Route 1. Under the Petitioner's proposed development, the existing access will be relocated slightly to the south to align with Ducketts Lane and a new right in/right out access shall be created at the midpoint of the Property's perimeter line along US Route 1, all as shown in greater detail on the Development Concept Plan, CEF Concept Plan Sheet. Interior circulation shall be achieved through a mix of public and private roads. Along the US Route 1 frontage, an acceleration/deceleration lane and streetscape amenities will be installed; consistent with the requirements of the *Route 1 Manual*. Pedestrian crossings and sidewalks shall be provided as shown on the Development Concept Plan, CEF Concept Plan Sheet.

**(7) *Site enhancements which fulfill CEF District objectives in accordance with Sections 121.0.A and 121.0.G.***

As shown in the Development Concept Plan, the Petitioner is proposing several design features, site enhancements, and remediation activities which will be beneficial to the community and will exceed minimum standards required by County regulations. Specifically, the Development proposed hereunder shall provide the following enhancements:

- Maryland Department of Environments Voluntary Cleanup Program - Remediation (to residential improvement standards) of the recognized environmental conditions on the

Property under the oversight of the Maryland Department of the Environment, thus, providing safe future conditions for the surrounding environment and its residents.

- The removal of all of the debris and salvage materials located throughout the Property.
- The removal and restriction of all auto salvage and repair uses from the site and permit only uses allowed in the residential zoning districts.
- The removal and restriction of all outdoor storage uses from the site.
- Providing a public pedestrian park with sidewalks, traffic improvements, public open space areas and seating along Route 1, as well as walking paths and pedestrian connections to surrounding properties when not constrained by natural barriers.
- Improving the real estate values of the surrounding community through the beautification of the Route 1 corridor by removing incompatible uses and developing mixed residential with extensive frontage landscaping.
- Providing stream bank improvements to remediate and protect against further erosion of banks and under significant trees.

Furthermore, the CAC zoned portions of the Property and intersecting B-1 portions of the site consist of approximately 16.55 net acres. Pursuant to the underlying CAC Zoning District Requirements, this portion of the Development would be permitted to be developed at a density of 405 units. While the R-12 zoned portions of the Property contained limited developable areas, these areas contain approximately 7 acres of developable land supporting a density of 20-25 additional dwelling units. As such, the 408 units proposed under the Development do not represent a substantial change from the density currently afforded under the applicable zoning of the Property parcels. The enhancements proposed under this Petition, therefore, are not offered to justify a request for an increase in density, but instead they are provided to merely justify the creation of a unified zoning classification specific to this Property to replace the existing incompatible uses upon the lands of the Property with diverse housing choices in a well-planned and attractive community. In addition, the subject parcels comprising the Property contain a significant amount of environmental contamination as described above. Approval of the proposed CEF-R District will provide a significant environmental benefit to the surrounding community by facilitating the clean-up of an environmentally contaminated site.

Given that the scale of the proposed Development is similar to the scale of the underlying zoning, the proposed community enhancements detailed herein are more than adequate and proportionate for the proposed CEF request.

#### **(8) Landscaping.**

The Development Concept Plan includes a conceptual Landscape Plan indicating the location of various shade trees, ornamental trees, evergreen trees, and shrubs. The Development will satisfy all requirements of the Howard County Landscape Manual.



**(9) *Hardscaping including pedestrian and bicycle connections to offsite facilities.***

The Development Concept Plan provides the proposed hardscaped areas, including roadways, driveways, sidewalks, and pathways, all of which serve as pedestrian connections to surrounding properties and facilities, when and where not constrained by natural barriers.

**(10) *Retained natural features such as wetlands, steep slopes, and tree and forest cover.***

The Development Concept Plan proposes to retain natural features to the fullest extent possible. The Petitioner has conducted an environmental assessment and determined that extensive remediation of the Property will be required in connection with the development of the site under the proposed Development. The Property drops between 50' and 80' in elevation from Route 1, depending on the location. Two stream tributaries run through the Property and topography and environmental features play a large role in the way the Development has been designed by Petitioner. The Development will integrate the grading and development of the infrastructure in order to emphasize the natural environmental features on the Property. Developed separately, it would be difficult (if not impossible) to coordinate the grading of the parcels to provide a coherent infrastructure throughout the site. The narrowness, slope, and stream buffer on the R-12 portion of the Property significantly limit development in this area. Incorporating the road network and grading with all of the parcels comprising the Property provides better site design and allows the R-12 portion of the site to benefit from these natural feature amenities. Pocket parks are spread throughout the development for the enjoyment of smaller neighborhoods within the community. The stream and stream buffer features will be emphasized and enjoyed by residents through thoughtful grading and placement of buildings and open space amenities with minimal use of retaining walls. They also create natural separation in the community that create smaller neighborhoods within the greater community.

**(11) *Architectural elevations of all sides of all buildings and significant structures, with exterior materials specified.***

The Development Concept Plan includes Sheet 4 of 6 indicating the proposed elevations of all major structures within the Development (single-family attached, multi-family, and clubhouse facility).

**(12) *Exterior lighting plan with lighting structures and light sources given on specific lighting product information sheets.***

The Development shall comply with all applicable County regulations regarding exterior lighting. New sources of exterior lighting from the proposed Development shall principally consist of typical light sources normally associated with residential developments, such as low intensity exterior lights attached to the dwelling units and parking areas. The Development Concept Plan,



Landscape and Lighting Sheet includes details on the proposed types and locations of additional exterior lighting. All such lighting shall be shielded and/or directed as appropriate so as to not adversely impact vicinal properties.

***(13) Information on the adjoining properties, including the owner name, zoning, existing use, and existing site improvements.***

Information regarding the ownership, zoning, uses, and improvements of adjacent properties is included in the Development Concept Plan. The Property lies to the south of the Pine Ridge apartment development, west and north of the Harwood Park residential community, and to the east of the Belmont Station development.

***(14) Presubmission community meeting minutes and a summary of design modifications made in response to interaction with the community.***

The minutes of the Petitioner's pre-submission community meeting are included with the Petition. In response to comments during this meeting and subsequent onsite meetings with directly adjoining residents, the Development Concept Plan was modified to include a fence buffer and landscape buffer along shared perimeter with the Spring Glen community.

***b. A map delineating the boundary of the community surrounding the CEF District and written justification for such boundary.***

The Development Concept Plan, Sheet 5 identifies the community surrounding the Property. Specifically, the boundaries of the community consist of the neighboring residential uses surrounding the subject Property, which reflect a mix of CAC, R-A-15, and R-12 Zoning Districts. The proposed Development is enveloped by these residential zones. Furthermore, the streams, buffers, and significant slopes define the natural limits of the proposed community and limit access to the Property from US Route 1.

***c. A written justification that expresses in detail:***

***(1) How the proposed Development Concept Plan conforms to the purpose statement for the CEF District***

Given the Development and amenities proposed for the Property as described above, the Development Concept Plan conforms in all respects to the purpose statement for the CEF District.

***121.0.A.1. Allow greater design flexibility and a broader range of development alternatives than the existing zoning district.***

As set forth above, the current underlying zoning of the parcels comprising the Property is a patchwork of B-1, CAC, and R-12, which for all practical purposes restricts any coherent

development upon the site. A consistent use of auto salvage and repair businesses across the parcels of the Property has also inhibited the development of any one parcel under its existing zoning. Redevelopment of the entire site is needed in order to remove all of the existing uses that would otherwise prevent the redevelopment of any one singular parcel. The existing zoning districts imposed upon the Property are not compatible enough with one another or surrounding uses to permit a comprehensive redevelopment project. The existing zoning classifications imposed on the subject properties also pose insurmountable hurdles to redevelopment given the arbitrary zoning lines across the land areas. The proposed Development will integrate the grading and development of the infrastructure in order to emphasize the natural environmental features on the Property. Developed separately, it would be difficult (if not impossible) to coordinate the necessary grading of the parcels to achieve a coherent infrastructure throughout the site.

***121.0.A.2. Provide features and enhancements which are beneficial to the community in accordance with Section 121.0. a.***

As is described in detail above, the Development Concept Plan provides several community features and enhancements that will be beneficial to the community and that will exceed minimum standards required by County regulations. For years these properties have been in need of redevelopment and remediation of environmental conditions. Our CEF proposal finally addresses this ongoing problem.

***121.0.A.3. Provide a higher quality of site design and amenities than is possible to achieve under the standard provisions of existing zoning district requirements.***

For the reasons discussed above and herein and specifically due to the difficulty developing with three very different zones, the proposed Development provides a higher quality of site design and amenities than would be possible under the underlying zoning.

***121.0.A.4. Encourage creative architectural design with the most favorable arrangement of site features, based on physical site characteristics and contextual sensitivity to surrounding developments.***

As set forth in greater detail above, the Development Concept Plan proposes to retain natural features to the fullest extent possible and integrates the grading and development of the infrastructure in order to emphasize the natural environmental features on the Property to a greater extent than would be possible under the current zoning. The stream and stream buffer features will be emphasized and enjoyed by residents through thoughtful grading and placement of buildings and open space amenities with minimal use of retaining walls.

In addition, as set forth in greater detail above, the Development under the subject Petition sites residential development with multifamily uses next to other off-site multifamily uses and single family uses adjacent to other off-site single family uses in an effort to complement the



surrounding Pine Ridge apartment development to the north, the Harwood Park residential community to the east and north, and to the Belmont Station development to the west.

***121.0.A.5. Serve as a transitional area by providing a mix of uses compatible with the surrounding community or developments.***

As set forth above and depicted within the Development Concept Plan, the Property is surrounded by residential uses and mixed uses (CAC) and one non-conforming auto related use. The placement of residential uses within the project is meant to match single family uses opposite other single family uses and multifamily uses opposite other multifamily uses upon adjacent properties. The removal of numerous auto salvage and repair uses eliminates the current unattractive but grandfathered uses upon the Property, and will leave only one remaining, nonconforming auto related use in the surrounding residential neighborhoods.

***121.0.A.6. Encourage aggregation of underutilized properties.***

The parcels comprising the subject Property are currently used as auto salvage and repair businesses, a contractor's storage yard, a single family house, and extensive outdoor storage. Given the developed roads, public infrastructure, and location of the Property, these parcels do not reach their potential through this hodge-podge of limited industrial, commercial, and residential uses. Furthermore, the current uses upon the Property differ significantly from the modern developed residential uses located along 85% of the perimeter of the Property. The proposed CEF-R zone will allow the development of these subject parcels in a manner that is harmonious with the surrounding area, will result in a comprehensive development plan that will create beneficial and symbiotic land uses, provide high quality residential uses for multiple income levels, and will provide valuable MIHU inventory within the County at a rate higher than required under the existing Zoning Regulations. The removal of the nonconforming uses from the Property will significantly improve the aesthetics of the greater community.

Not only is the Property underutilized, it is also environmentally contaminated by the existing uses. Our CEF-R proposal will end the decades long uses that have contaminated the property and required application into the Maryland Department of Environment's Voluntary Cleanup Program, resulting in better utilization of the Property.

***(2) How the proposed CEF District will promote the policies established in the General Plan and any goals established in relevant corridor, community or small area plans, and will be of greater benefit to Howard County and more appropriate than existing zoning.***

As stated above, the proposed CEF-R zone under this Petition will allow the development of the parcels constituting the subject Property in a manner that is harmonious with the surrounding area, will result in a comprehensive development plan that will create beneficial and symbiotic land uses, provide high quality residential uses for multiple income levels, and will provide

valuable MIHU inventory within the County at a rate higher than required under the existing Zoning Regulations. The Development proposed under this Petition will have a greater benefit to the County and surrounding communities than development of the Property under the existing zoning districts and/or the continuation of the current non-conforming uses throughout the site. As set forth herein, the Property is located within the Planned Service Area and the request under this Petition does not seek an increase to the density permitted under the underlying zoning.

The Howard County General Plan, PlanHoward 2030, specifically recognizes the need for a diverse mix of housing opportunities in and around the County, and the proposed Development under this Petition satisfies this express demand. PlanHoward 2030 provides that housing experts believe that over the next 20 years, more than 60 percent of new housing demand will be for multifamily dwelling units. Some of this demand shift reflects the increasing ratio of smaller households including seniors, singles, and single parents. However, much of the shift in housing demand from single-family to multi-family and single-family attached is attributed to changing attitudes about homeownership. PlanHoward 2030, p. 126.

Young families, service workforce, and older residents will need housing that accommodates their lifestyles. The suburban single-family detached home is associated typically with a nuclear family of parents and children. However, the population of Howard County is diversifying with a trend towards smaller households. Between 1990 and 2010, the number of residents living alone increased by 75 percent and residents 65 and older living alone increased by 154%. “[T]he single-family detached house is no longer preferred by many households. Smaller-sized housing will be in greater demand in the future. The data shows a demographic shift that aligns well with the decreasing availability of land for the traditional single-family detached home and the increased emphasis on planning for more compact higher-density residential development. From this perspective, condominium and rental apartments and townhome developments will be a greater portion of new homes built in the County in the future.” PlanHoward 2030, p. 126.

In addition to recognizing the County's need for more multifamily housing, PlanHoward 2030 also calls for the provision of affordable housing opportunities for low and moderate income residents. PlanHoward 2030, pp. 127-30. Current trends in the County are “shifting the focus from past patterns where single-family detached homes dominated to a current mix that includes more townhouses and apartments, a trend that can help increase affordable housing choices.” PlanHoward 2030, p. 123.

Multifamily housing and single-family attached units are inherently more affordable than single-family detached residences, and the trend towards an increase in multifamily housing opportunities should help to ensure that an ample supply of affordable housing is available for County residents. Furthermore, as set forth below, the proposed Development will provide approximately 62 much needed MIHUs to the County's current stock.



**(3) *Supporting documentation, including but not limited to market studies and traffic studies as required by the Department of Planning and Zoning based on the scale of the project and the type and location of proposed uses.***

As of the date of this submission, the Department of Planning and Zoning has not requested additional supporting documentation.

**Section 121.0.J.8.b: In its evaluation of the proposed CEF District, the Zoning Board shall make findings on the following:**

**(1) *Whether the petition will accomplish the purposes of the CEF District.***

For the reasons discussed above and herein, the proposed Development accomplishes the purposes of the CEF-R District.

**(2) *Whether the petition complies with the criteria for a CEF District in Section 121.0.I.***

***121.0.I.1: The proposed CEF District is located within the planned service area for both public water and sewer service.***

The Property is located within the Planned Service Area for both public water and sewer service.

***121.0.I.2: A proposed CEF-C District shall have frontage on and access to an arterial or major collector road. A proposed CEF-R or CEF-M District shall have frontage on and access to an arterial or collector roadway, or a local road if access to the local road is safe based on road conditions and accident history and the local road is not internal to a residential development.***

The subject Property is proposed for a CEF-R District and has frontage and direct access onto US Route 1 which is designated as an intermediate arterial roadway in the General Plan. See *PlanHoward 2030*, Map 7-3.

***121.0.I.3: For all properties, the minimum development size for any CEF District shall be five acres.***

The Property is approximately 34.9 acres, exceeding this minimum development size requirement.



***121.0.I.4: The proposed CEF District is not located in an existing M-2, TOD, NT, MXD, or PGCC District.***

The Property is currently zoned R-12, B-1, and CAC and is, therefore, not located in a prohibited district.

***121.0.I.5: A proposed CEF-R District is not located in an existing non-residential zoning district unless the proposed CEF-R District adjoins a residential zoning district.***

The subject Property is proposed for a CEF-R District. The existing zoning of the subject parcels either allows residential development (R-12 and CAC) or the parcels are adjacent to a zoning district that allows residential development.

***121.0.I.6: The proposed CEF District is not permitted within the interior of a neighborhood comprising only single-family detached dwellings.***

The Property is not located within the interior of a neighborhood. Access to the Property is limited to direct access to Washington Boulevard.

***121.0.I.7: A CEF Development at the proposed location shall be compatible with surrounding residential neighborhoods, existing land uses in the vicinity of the site in terms of providing a transitional use between different zoning districts and/or land uses and the scale, height, mass, and architectural detail of proposed structures.***

The proposed Development will be compatible with surrounding residential neighborhoods and land uses. As stated above, the Property is surrounded by several residential developments composed on a mixture of multifamily, single-family attached, and older single-family attached dwellings (the Property lies to the south of the Pine Ridge apartment development, west and north of the Harwood Park residential community, and to the east of the Belmont Station development). The only non-residential use is to the southwest along Route 1 and is a nonconforming use under the existing CAC zoning. The Development under the subject Petition sites residential development with multifamily uses next to other multifamily uses and single family uses adjacent to other single family uses.

***121.0.I.8: The proposed CEF development shall include enhancements as provided in Section 121.0.G. Enhancements shall be proportionate to the scale of the CEF development.***

As discussed in detail above, the proposed Development will provide several amenities and enhancements that will be beneficial to the community and that will exceed minimum standards required by County regulations. The proposed Development will finally address the environmental concerns on the Property.

***121.0.I.9: The proposed CEF District shall meet the criteria of the purpose statement.***

For the reasons discussed above, the proposed Development accomplishes the purposes of the CEF-R District.

***121.0.I.10: The proposed CEF Development does not comprise parcels which were added to the Planned Service Area to achieve Bay Restoration goals articulated in Plan Howard 2030.***

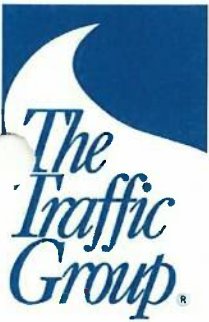
The Property was not added to the Planned Service Area in order to achieve Bay Restoration goals articulated in Plan Howard 2030.

***(3) Whether the petition meets the Moderate Income Housing Unit requirements.***

Section 121.0.E of the Zoning Regulations requires that the Petition comply with the MIHU requirements that were in effect for the zoning district for the Property immediately before the CEF District was established on the Property, and if there were no MIHU requirements for the previous zoning district, a minimum of 10% of the total number of dwelling units shall be Moderate Income Housing Units.

The CAC Zoning Regulations (Section 128.0.E) provide that at least 15% percent of the dwellings in each CAC development shall be MIHUs. The R-12 Zoning Regulations (Section 109.0.E) provide that at least 10% percent of the dwellings in each R-12 development shall be MIHUs. There are no MIHU requirements within the B-1 Zoning Regulations.

In an effort to help promote affordable housing in Howard County, we propose 15% percent of the dwellings for the proposed Development shall be MIHUs. A total of 408 residential dwelling units are proposed under this Petition, and 62 dwelling units shall be provided as MIHUs.



A VETERAN-OWNED  
SMALL BUSINESS

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**FIELD OFFICE LOCATIONS**

Arkansas  
Maryland  
New York  
.as  
Virginia

January 4, 2018

Mr. Jason Van Kirk  
Elm Street Development  
5074 Dorsey Hall Drive  
Suite 205  
Ellicott City, Maryland 21042



RE: Roberts Property  
Residential Parking Demand Analysis  
Howard County, Maryland  
Our Job No: 2017-0723

Dear Mr. Van Kirk:

As requested, The Traffic Group, Inc. has conducted a Parking Demand Analysis in conjunction with the proposed residential development of the Roberts Property located along the east side of US 1 in the vicinity of Ducketts Lane in Howard County. The Roberts Property is proposed to be developed with 281 apartment units, 127 Townhomes, and a 2 story 5,600 sq ft Clubhouse that would contain the leasing office on the second level and community space on the lower level. The project is planned to be served by 978 parking spaces.

It is planned that 480 Parking Spaces will be provided for the 127 townhouse units and guests. The 281 apartment units and the Community Building will have 498 parking spaces. The Community Building will be parked at 3.3 spaces per 1,000 sq ft for the upper level and 10 spaces per 1,000 sq ft for the lower level for a total of 38 spaces. This would leave a balance of 460 parking spaces or 1.64 spaces per apartment unit.

The Traffic Group has conducted field observations and analyses at comparable stabilized Howard County projects which have indicated an average peak parking demand of 1.26 spaces per unit and a maximum observed parking demand of 1.47 spaces per unit. Supported by parking ratios at recently approved Howard County projects, it is our opinion that the proposed 1.64 parking spaces per apartment unit to serve the Roberts Property will be more than sufficient to accommodate the projected parking demand for this project, including guest parking. The following sections of this Letter Report will detail the study methodology and the results.

To determine the total projected parking demand for the Roberts Property, parking occupancy counts were collected at six apartment complexes in Howard County. The apartment complexes that were included in the study are as follows:

- Kaiser Park – 132 Units (100% Leased)
- Orchard Meadows – 240 Units (100% Leased)
- Plumtree Apartments – 168 Units (100% Leased)
- Orchard Park – 231 Units (100% Leased)
- Bowling Brook – 366 Units (337 Units Leased)
- Ashbury Courts – 140 Units (123 Units Leased)

The peak parking demand for the apartment units would occur during the early morning hours between midnight and 5 AM. Therefore, The Traffic Group, Inc. conducted parking occupancy counts at the six apartment complexes, three successive days per project, between 1 AM and 3 AM. The first four sites are located along the US 40 corridor and were counted in July of 2013. The final two sites are located along the US 1 corridor and were counted in December, 2013.

The total vehicles parked on the lots at these apartment complexes is identified on the Parking Demand Analysis summarized in Table 1.

Reviewing the Parking Demand Analysis, it was determined that the average parking demand was computed to be 1.26 spaces per unit. Reviewing the data shows similar parking occupancy rates (ranging from 1.24 to 1.47 spaces per unit) at five of the six sites. Kaiser Park had a lower occupancy rate at 0.97 spaces per unit. Even if Kaiser Park was eliminated from the analysis, the average peak parking demand would still be only 1.31 parking spaces per unit. The peak parking demand at any one development during any one time was 1.47 occupied parking spaces per unit.

It is interesting to note that the results of the Parking Demand Analysis are similar to the results of a study conducted at four apartment complexes in Howard County in 2005. During that study, the average parking demand was identified to be 1.31 spaces per unit and the maximum observed parking demand was 1.46 spaces per unit. Therefore, although we feel the six sites studied are sufficient, there is additional data from other apartment sites in Howard County that supports the results of the current study.

Although we believe the Parking Demand Studies alone support the fact that 1.64 parking spaces per unit will be sufficient for the Roberts Property, we have also gathered other pertinent data. Howard County has recently approved three other apartment projects with parking ratios lower than the 1.64 spaces per unit proposed for the Roberts Property. Table 2 provides the information for those three projects.

Given the information contained in this letter, including actual parking demand counts from six apartment complexes in Howard County, and data concerning three recently approved apartment complexes in Howard County with parking ratios lower than proposed at Roberts Property, it is our opinion that the proposed 1.64 parking spaces per apartment unit for the Roberts Property will be sufficient to accommodate the parking demand for this project, including guest parking. Specifically, the 1.64 spaces per apartment unit proposed, exceeds the average demand ratio of 1.26 spaces per unit at the other apartment sites counted in Howard



County, and exceeds the maximum observed rate of 1.47 spaces per unit at any of these facilities. It also exceeds parking ratios approved by Howard County for other comparable apartment communities.

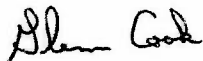
Based on discussions with representatives of Elm Street Development, the 1.64 spaces per apartment unit exceed the parking ratio that exists at many other developments presently owned by Elm Street.

Combining the parking being provided for the Community Building (38 spaces) and the number of spaces being provided for the apartment component at 1.64 spaces per unit (460 spaces) results in 1.78 spaces per unit which confirms that the 1.75 spaces which is being requested for these uses combined, would be adequate.

Based on the above information it is our opinion that the provision of 978 parking spaces for the Roberts Property includes the maximum demand for the apartment component of this project.

If you have any questions or need additional information, please contact me.

Sincerely,



Glenn E. Cook  
Senior Vice President

GEC:mlj



**TABLE 1**  
**Howard County Apartment**  
**Parking Demand Analysis**

LOCATION	DAY OF THE WEEK			
	Monday <sup>1/</sup> (Sunday Night) 7/22/13	Tuesday <sup>1/</sup> (Monday Night) 7/23/13	Wednesday <sup>1/</sup> (Monday Night) 7/24/13	Average Peak Demand
<u>Kaiser Park Apartments</u> 8120 Randolph Way Ellicott City, MD 21043 Total Units=119 <sup>2/</sup> Occupied Parking Spaces Parking Rate: spaces/unit	112 0.94	122 1.03	113 0.95	116 0.97
<u>Orchard Meadows</u> 3421 Sonia Trail Ellicott City, MD 21043 Total Units=240 Occupied Parking Spaces <sup>3/</sup> Parking Rate: spaces/unit	302 1.26	306 1.28	299 1.25	302 1.26
<u>Plum Tree Apartments</u> 3463 Plumtree Drive Ellicott City, MD 21042 Total Units=168 Occupied Parking Spaces Parking Rate: spaces/unit	195 1.16	213 1.27	205 1.22	204 1.22
<u>Orchard Park Apartments</u> 3113 Pine Orchard Lane Ellicott City, MD 21042 Total Units=231 Occupied Parking Spaces <sup>3/</sup> Parking Rate: spaces/unit	302 1.31	317 1.37	333 1.44	317 1.37
LOCATION	DAY OF THE WEEK			
	Wednesday <sup>1/</sup> (Tuesday Night) 12/11/13	Thursday <sup>1/</sup> (Wednesday Night) 12/12/13	Friday <sup>1/</sup> (Thursday Night) 12/13/13	Average Peak Demand
<u>Bowling Brook</u> 9000 Stebbing Way Laurel, MD 20723 Total Units=366 (337 leased) Occupied Parking Spaces Parking Rate: spaces/unit	495 1.47	491 1.46	497 1.47	494 1.47
<u>Ashbury Courts</u> 10095 Washington Blvd Laurel, MD 20723 Total Units=140 (123 Leased) Occupied Parking Spaces Parking Rate: spaces/unit	149 1.21	153 1.24	155 1.26	152 1.24
<b>AVERAGE PARKING RATES FOR 6 SITES spaces/occupied unit</b>	<b>1.23</b>	<b>1.28</b>	<b>1.27</b>	<b>1.26</b>

<sup>1/</sup> Counts taken between 1 AM and 3 AM.

<sup>2/</sup> Excludes units in building next to townhomes as parking could not be distinguished between the apartments and townhomes.

<sup>3/</sup> Includes on-street parking

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**TABLE 2**  
**Howard County Apartment Projects—Recent Approved Comparable Parking Ratios**

Project Name	Location	Number of Units	Parking Spaces	Parking Ratio (Spaces/Unit)	Comments
Savage MARC TOD	Howard County, MD	418	640	1.53	Howard County SDP-13-048
Howard County Columbia Town Center (Warfield Neighborhood Block W-1, Parcels D-1 and D-2)	Howard County, MD	380	553	1.46	Howard County SDP-13-007
Woodfield – Oxford Square	Howard County, MD	248	390	1.57	Howard County SDP-14-027

MAC/dlg/rek  
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REVELLOPMENT INC.



January 7, 2018

Mr. Jason Van Kirk  
Elm Street Development  
5074 Dorsey Hall Drive  
Suite 205  
Ellicott City, MD 21042

REVISED

Dear Mr. Van Kirk,

This letter summarizes the impact of your firm's CEF proposal for the Roberts properties on County tax revenues.

**Commercial Space County Tax Revenue**

Given the proposed 15% MIHU and excluding residential units that are located on R-12 zoned land, the commercial space requirement would amount to 20,230 square feet;

Total Units	408
Minus R-12	-68
Net Units	340
X 85% (MIHU)	289
X 70 square feet	20,230

B-1 retail uses- such as a neighborhood shopping center -could be appropriate at this location. The location, however, offers extremely poor access with only one full movement intersection on the far north corner of the property. In addition, other small footprint retail associated with CAC development has trailed the residential development by years or has not occurred at all. Within the Route 1 Corridor North of Route 32, there are two B-1 neighborhood shopping centers that are valid comparables. The first is located at 6501 Huntshire Drive and Meadowridge Road. SDAT notes that the improvements are 16,820 square feet and the total base assessed value is \$1,757,400. The second comparable property is 7916 Dorsey Run Road located at the intersection of Route 175 and Dorsey Run Road. SDAT notes the improvements are 17,090 square feet and the base assessed value is \$1,921,700. Averaging the square foot values of these comparables and applying it to the 20,230 square feet of Commercial (from above) produces an assessment value of the Commercial property as \$2,194,146.

Property Address	Sq. Ft.	Base Assessment	\$/Sq. Ft.
6501 Huntshire Drive	16820	\$1,757,400	\$104.48
7916 Dorsey Run Road	17090	\$1,921,700	\$112.45
		Average	\$108.46
		Roberts Square Feet	20,230
		Roberts Commercial Value	\$2,194,146

The annual County tax revenue from these improvements would be \$1.27 per \$100 of assessed value (\$1.014 County Tax, \$1.760 Fire Tax, \$.08 Ad valorem). Based on the \$2,194,146 assessment from above, the County tax revenues would be \$27,866 per year.

### Single Family Attached Tax Revenue

The 30 townhomes that otherwise would occupy the approximately 2 acres of land area have an estimated current value of \$406,829 per unit. This value is the result of an average of the median sales prices for new construction townhome settlements in nearby Route 1 Corridor townhouse communities since January 2017. That average, after factoring the 8% cost of sales assumed by SDAT, and multiplied by the 30 single family attached units results in County tax revenue of \$142,602.

\$420,476	Morris Place
\$439,631	Elkridge Crossing
\$392,345	Dorset Gardens
\$374,865	Howard Square PH 8 & 9
\$406,829	Average
\$374,283	x 92% assessment
\$11,228,487	Total Value
\$142,602	County Tax Revenue

The Commercial use would generate additional sales tax revenue- some of which could be returned to Howard County by the State. The 30 townhouse units would generate state and local income tax revenue. Assuming an average price of \$406,829 for a new construction townhome at this location, 28% of gross household revenue for housing related debt service, 20% down payment and a 4.5% , 30 year mortgage and a 3.2% income tax the 30 townhomes will generate another \$56,489 of County Tax revenue.

\$406,829	Purchase Price
\$325,463	Mortgage
\$2,045	PITI
28%	Max housing %
\$87,643	Annual HH Revenue
-19200	Mortgage interest deduction
-9600	3 exemptions @ \$3200
\$58,843	Net taxable income
\$1,883	x 3.2%
\$56,489	x 30 units

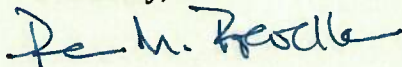


The residential uses will be served by private trash collection and the internal roads to the residential units will be private, both of which will save the County money that it would otherwise have to spend from tax revenues. Howard County's annual property and income tax revenues are greater than the annual operating costs of schools, roads and utilities per new unit as determined by the Fiscal Impact Study prepared by the Department of Planning and Zoning for PlanHoward 2030 dated May 2012 (page 12). More specifically, 30 townhome units produce 0.395 students per new single family attached unit as updated for by HCPSS on 10.20.2017. 11.85 students are expected to be generated from the 30 homes. At a cost of \$11,041 per student (as determined by the FY 2018 school budget divided by the number of students), the overall costs for the 30 townhome units is \$130,842. There are no extraordinary County facilities or services required by the 30 townhomes.

### **Conclusion**

This analysis demonstrates that the annual County real property tax revenue that a commercial use would generate at this site would be \$27,866 and that the residential use of the same area would generate \$142,602 in real property tax revenue and local income tax revenue of \$56,489 for a total County tax revenue of \$199,090. In addition new home construction contributes one time transfer tax, excise tax, recordation and school surcharge revenues. The new home construction costs the county \$130,842 for school services to the new children. The net surplus for new homes is \$68,248. The residential net surplus is greater than the commercial revenue generated by \$40,382. Any smaller budget expense items for fire and rescue, police, county administration, etc. would not be large enough to overcome the \$40,382 surplus. Therefore, the net benefit to the county remains greater with the residential use.

Sincerely,



Paul M. Revelle  
President  
Revellopment, Inc.



